IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 539 of 2002 (M/B)

1. Keerat Singh S/o Sri Hardeep Singh,
   R/o Village Fasiyapura, Kashipur,
   District Udham Singh Nagar.
2. Teerath Singh S/o Hardeep Singh,
   R/o Village Fasiyapura, Kashipur,
   District Udham Singh Nagar. …….. Petitioners

Versus

1. State of Uttaranchal,
   through Chief Secretary,
   Govt. of Uttaranchal, Dehradun.
2. Collector / District Magistrate
   Kashipur, Udham Singh Nagar.
3. Tehsildar,
   Tehsil Kashipur,
   District Udham Singh Nagar. …….. Respondents

Ms. Menaka Tripathi, Advocate for the petitioners.
Mr. N.C. Gupta, Standing Counsel for the State of Uttaranchal.

JUDGMENT

Coram: Hon'ble Rajeev Gupta, C.J.
Hon'ble M.M. Ghildiyal, J.

RAJEEV GUPTA, C.J. (Oral)

Ms. Menaka Tripathi, Advocate for the petitioners.

Mr. N.C. Gupta, Standing Counsel for the State of Uttaranchal.

2. The petitioners have filed this writ petition for the following reliefs:

> "i. Issue a writ, order or direction in the nature of mandamus commanding the opposite parties to treat the petitioners as belonging to 'Other Backward Classes' and also direct the opposite parties to issue certificates to the petitioners certifying that they belong to the other backward classes.
>
> ii. Issue any other writ, order or direction which this Hon'ble Court may deem just and proper in the circumstances of the case.
>
> iii. Award the cost of the writ petition to the petitioners."

3. In view of the Apex Court judgment on the subject, it is not for the courts to declare a particular Caste / Tribe / Class as Scheduled Castes, Scheduled Tribes or Other Backward Classes.

4. In this view of the matter, the reliefs sought by the petitioners in the writ petition cannot be granted. The petitioners, however, shall be at liberty to work out their remedies before an appropriate forum.

5. With the above observation, the writ petition stands stands disposed of.

(M.M. Ghildiyal, J.) **(Rajeev Gupta, C.J.)**
21.03.2006 **21.03.2006**

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